

ALLEGED SHIPMENT: On or about May '18, 1948, from the State of West Virginia into the State of Indiana.

PRODUCT: Analysis showed that the product was a viscous, aqueous liquid with an aromatic odor and sweet taste, and that it contained chiefly sugar, with a small amount of plant extractives, including a trace of unidentified alkaloids.

LABEL, IN PART: "The Patrick's Lung Remedy Herb Compound * * * Contains: Yellow Dock, Bur Dock, Wild Cherry, Sarsaparilla, Hoarhound, Elecampane, Golden Seal, Syrup."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Patrick's Lung Remedy" and the statement "For Treatment of Weak Lung Condition," borne on the label of the article, were false and misleading. The name and statement represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of lung ailments, and in the treatment of a weak lung condition, whereas the article would not be efficacious for such purposes.

Further misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Attention! Patrick's Lung Remedy" and in an undated letter beginning with the words "Dear Friend: Your order has been mailed this date" were false and misleading. The statements represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of tuberculosis, whereas the article would not be efficacious for such purposes.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury, and at its conclusion the jury returned a verdict of guilty. On December 16, 1949, the court sentenced the defendant to serve 8 months in the Federal institution at Mill Point, W. Va.

3008. Misbranding of Se-Bex Tablets, D-E Plex Capsules, and vitamin A capsules. 1 Drum, etc. (F. D. C. No. 27792. Sample Nos. 20067-K to 20069-K, incl., 20098-K, 20099-K.)

LIBEL FILED: September 1, 1949, District of Nebraska.

ALLEGED SHIPMENT: On or about August 26, 1948, and May 4 and 11, 1949, from Chicago, Ill., and Detroit, Mich.

PRODUCT: 1 drum containing 50,750 *Se-Bex Tablets*; 2 drums each containing 52,800 *D-E Plex Capsules*; 23 combination cartons labeled *A-D-E Plex Capsules*, each containing 1 100-tablet bottle of *D-E Plex Capsules* and 1 100-tablet bottle of *vitamin A capsules*; and 2 price lists entitled "Guardian Vitamins," in possession of Vitamin Industries, Inc., at Omaha, Nebr.; also 8 100-tablet bottles of *Se-Bex Tablets*; 7 combination cartons labeled *A-D-E Plex Capsules*, which were packaged in the same manner as the capsules in the 23-carton lot; 1 placard headed "Arthritis Sufferers! Famous A-D-E Plex"; and 1 placard headed "Hay Fever Sufferers. Try Se-Bex," in possession of The Vitamin Store, Omaha, Nebr.

LABEL, IN PART: (Bottle) "Tablets Se-Bex Vitamin C with B Complex"; (carton) "Guardian 200 Capsules A-D-E Plex" and "Guardian 100 Capsules D-E Plex Each D-E Plex Capsule contains: Vitamin D 25,000 U. S. P. units * * * Vitamin B₁ 3 Mgm., Vitamin B₂ 2 Mgm., Vitamin C 37.5 Mgm., Niacinamide 20 Mgm., Calcium Pantothenate 1 Mgm., Vitamin B₆ 100 Mgm., Alpha Tocopherol 10 Mgm. * * * Each amber capsule contains: Vitamin A 5,000 U. S. P. units."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the price lists and placards accompanying the articles were false and misleading. These statements represented and suggested that the *Se-Bex Tablets* were ef-

fective in the treatment of hay fever and allergic disorders, and that the *D-E Plex Capsules* in combination with the *vitamin A capsules* were an adequate and effective treatment for arthritis, primary fibrositis, and muscular rheumatism. The articles were not effective in the treatment of the stated conditions. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 30, 1949. Default decree of condemnation and destruction.

3009. Misbranding of Colusa Natural Oil Capsules and Colusa Natural Oil. U. S. v. 4 Bottles, etc. (F. D. C. No. 25160. Sample Nos. 22948-K, 22949-K.)

LIBEL FILED: July 9, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about July 6, 1948, by the Colusa Remedy Co., from Los Angeles, Calif.

PRODUCT: 4 100-capsule bottles of *Colusa Natural Oil Capsules* and 13 2-ounce bottles of *Colusa Natural Oil* at Birmingham, Ala. Analysis indicated that the oil consisted of unrefined petroleum oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading since they represented and suggested that the articles, alone or in combination, were effective in the treatment of psoriasis, eczema, poison ivy, poison oak, acne, and leg ulcers, whereas the articles were not effective for such purposes.

DISPOSITION: September 13, 1948. Default decree of condemnation and destruction.

3010. Misbranding of Nue-Ovo. U. S. v. 34 Cartons * * *. (F. D. C. No. 27182. Sample No. 50439-K.)

LIBEL FILED: May 11, 1949, District of Idaho.

ALLEGED SHIPMENT: On or about March 14, 1949, by Research Laboratories, Inc., from Portland, Oreg.

PRODUCT: 34 cartons, each containing 3 1-pint bottles, of *Nue-Ovo* at Caldwell, Idaho.

LABEL, IN PART: (Bottle) "Nue-Ovo * * * Ingredients: An aqueous extraction of Plume Thistle, Burdock, Quassia, Sage, Cinnamon, Horehound, Ginseng, Calamus, Dandelion, Althea, Kola Nut, Sodium Salicylate, Cascara, Licorice, Vitamin B₁"; (shipping case) "Nue-Ovo for Rheumatism and Arthritis."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement "Nue-Ovo for Rheumatism and Arthritis," which appeared on the shipping case label, was false and misleading since the article was not effective in the treatment of rheumatism and arthritis.

DISPOSITION: June 13, 1949. Default decree of forfeiture and destruction.

3011. Misbranding of Kimko. U. S. v. 90 Bottles, etc. (F. D. C. No. 27772. Sample Nos. 62055-K, 62056-K.)

LIBEL FILED: August 18, 1949, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about May 3, 1949, by the Kimko Co., from Denver, Colo.

PRODUCT: 90 12-ounce bottles and 450 6-ounce bottles of *Kimko* at Paragould, Ark., together with a number of leaflets and booklets entitled "What Users